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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Republic of Korea, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Letter dated 26 December 2001 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Upon instructions from my Government, I have the honour to enclose herewith the report of the Government of the Republic of Korea on the measures taken to implement United Nations Security Council resolution 1373 (2001), pursuant to paragraph 6 of the said resolution (see enclosure).

My Government stands ready to provide the Committee with further reports or information as necessary, upon the request of the Committee.

(*Signed*) **Sun** Joun-yung
Permanent Representative

Enclosure

Report to the Counter-Terrorism Committee on the measures taken by the Government of the Republic of Korea to implement United Nations Security Council resolution 1373 (2001), pursuant to paragraph 6 of the said resolution

Recognizing the importance of United Nations Security Council resolution 1373 of 28 September 2001, the Government of the Republic of Korea is making utmost efforts for its implementation. All authorities concerned are closely cooperating with each other in this regard and in particular, the Ministry of Foreign Affairs and Trade appointed an Ambassador for Counter-terrorism and Afghanistan Affairs in December this year.

At the international level, the Republic of Korea played an active role in the adoption of the "APEC Leaders' Statement on Counter-terrorism" on 21 October 2001 at the APEC Summit Meeting held in Shanghai and the "2001 ASEAN Declaration on Joint Action to Counter Terrorism" on 5 November 2001 at the ASEAN + 3 Summit Meeting held in Brunei.

With a view to intensifying efforts to fight terrorism, the Korean government is also taking steps to enact a new Anti-Terrorism Bill which comprehensively deals with all aspects of terrorism. Detailed information on this legislation will be duly reported to the Security Council upon request.

This report will focus on the following three areas in the order they appear in Security Council resolution 1373: (1) Prevention and suppression of the financing of terrorist acts; (2) Bringing the perpetrators of terrorism to justice and strengthening international cooperation for effective punishment of terrorists; and (3) Accession to international conventions and protocols relating to terrorism.

I. Prevention and Suppression of the Financing of Terrorist Acts

1. The Republic of Korea signed the International Convention for the Suppression of the Financing of Terrorism on 9 October 2001.

2. With the entry into force of the Proceeds of Crime Act on 28 November 2001, it has become possible to take such measures as confiscation, additional collection and other preservation measures with regard to funds and other financial assets provided for or in return for terrorist acts. Anyone who finances terrorist acts or provides physical or material support to entities or persons involved in terrorist acts can be penalized as an accomplice to terrorism under the provisions of the relevant special laws (refer to II.1).

3. All financial assets and properties directly or indirectly owned by those persons and entities in the lists of 8 March 2001, 8 October 2001, 19 October 2001, and 9 November 2001 provided by the Committee established by Security Council resolution 1267 on Afghanistan of 15 October 1999 have been frozen in accordance with the relevant guidelines issued by the Korean government on 9 October 2001.

4. The passage of the Anti-Terrorism Bill, which is currently under deliberation at the National Assembly, will enable more effective regulation and control of all funds and financial assets related in any way to terrorist activities.

II. Bringing the Perpetrators of Terrorism to Justice and Strengthening International Cooperation for Effective Punishment of Terrorists

1. The Criminal Act of the Republic of Korea and the following special laws prescribe acts of terrorism as serious criminal offenses:
   - Punishment of Violence Act
   - Military Criminal Act
   - Aviation Act
   - Safety of Aircraft Operation Act
   - Railroad Act
   - Toxic Chemical Control Act
   - Atomic Energy Act
   - Protection of Military Installations Act

   cf. The aforementioned Anti-Terrorism Bill contains provisions that prescribe new criminal terrorist offenses

2. Pursuant to the provisions of the Act on International Judicial Mutual Assistance in Criminal Matters of 1991, the Republic of Korea exchanges and shares terrorism-related information and data with other states and provides assistance and cooperation in criminal investigations or proceedings relating to terrorist acts when necessary on the basis of bilateral treaties on mutual legal assistance in criminal matters, and in the case that no such treaty exists between the states involved, on the basis of the principle of reciprocity.

   - States with which the Republic of Korea has concluded a treaty on mutual legal assistance in criminal matters as of 17 December 2001: Australia, Canada, France, Hong Kong, the United States of America, Mongolia, China, New Zealand, Russia (9)

3. The Republic of Korea aims to prevent and punish acts of terrorism by extraditing perpetrators of terrorism through bilateral extradition treaties.

   - An offense shall be deemed extraditable if, at the time of request, it is punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year. Most acts of international terrorism fall under the category of extraditable offenses.
   - Under Article 4 of the Extradition Act of 1988, offenders may be extradited based on the principle of reciprocity even when no extradition treaty exists between the Requesting and Requested State.
   - Extradition shall not be granted when the Requested Party determines that the offense for which extradition is requested is a political offense. Terrorist acts, however, do not fall under this category.
   - States with which the Republic of Korea has concluded or is in the process of negotiating an extradition treaty as of 17 December 2001:

     i. Entered into force: Australia, Canada, Spain, the Philippines, Paraguay, Chile, Mexico, the United States of America, Mongolia, Argentina, Thailand (11)
     ii. Signed: Brazil, China, Indonesia, New Zealand (4)
     iii. Under negotiation: Russia, Japan (2)

4. The Korea Financial Intelligence Unit (KFIU), established on 28 November 2001 when the Financial Transaction Report Act entered into force, exchanges and shares information on suspicious financial transactions of funds and financial assets relating to criminal activities with financial intelligence units in other states.

III. Accession to International Conventions and Protocols Relating to Terrorism

1. The Republic of Korea is a state party to the following seven international conventions and protocols relating to terrorism.

- Convention on Offences and Certain Other Acts Committed on Board Aircraft (joined on 19 February 1971)
- Convention for the Suppression of Unlawful Seizure of Aircraft (joined on 18 January 1973)
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (joined on 2 August 1973)
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (joined on 27 June 1990)
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (joined on 25 May 1983)
- International Convention against the Taking of Hostages (joined on 4 May 1983)
- Convention on the Physical Protection of Nuclear Material (joined on 7 April 1982)

2. The Republic of Korea is taking necessary measures for the enactment and modification of relevant laws and regulations with a view to an early accession to and ratification of the following five conventions and protocols.

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platform Located on the Continental Shelf
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (signed on 1 March 1991, deposit of ratification expected shortly)
- International Convention for the Suppression of Terrorist Bombing (signed on 3 December 1999)
- International Convention for the Suppression of the Financing of Terrorism (signed on 9 October 2001, currently in the process of ratification)